

**S/N 10/749,093**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|               |   |                   |                 |
|---------------|---|-------------------|-----------------|
| Applicant:    | Richard E. Stein et al.   | Examiner:         | George Evanisko |
| Serial No.:   | 10/749,093  | Group Art Unit:   | 3762            |
| Filed:        | December 17, 2003   | Docket No.:       | 279.B31US2      |
| Customer No.: | 45458   | Confirmation No.: | 3171            |
| Title:        | PATIENT CONTROLLED THERAPY MANAGEMENT AND DIAGNOSTIC<br>DEVICE WITH HUMAN FACTORS INTERFACE |                   |                 |

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**DECLARATION UNDER 37 C.F.R. § 1.131**

Sir:

This declaration is submitted under 37 C.F.R. § 1.131 for U.S. Patent Application Serial Number 10/749,093, to establish reduction to practice of the claimed subject matter prior to April 17, 2003, (the filing date of United States Patent Application Publication No. 2004/0210256, to Musley et al.).

I, Jay W Axelrod, declare and say as follows:

1. I am an inventor of the subject matter claimed in the above-identified U.S. Patent Application Serial Number 10/749,093, as evidenced by the declaration received on May 14, 2004.
2. The subject matter claimed in the above-identified patent application was invented while I was employed by Cardiac Pacemakers, Inc., which is now a wholly-owned subsidiary of Boston Scientific Corporation.
3. Prior to April 17, 2003, the subject matter claimed in the above-identified patent application was reduced to practice in the United States as evidenced by the signed notebook pages attached hereto as Exhibit A and the signed invention disclosure form attached hereto as Exhibit B.
4. The date of the signed notebook pages and the signed invention disclosure form, as well as other sensitive information, is redacted from the copy in Exhibit A and Exhibit B and is prior to April 17, 2003.

5. I further declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

7/22/08  
Dated

JWAD  
Jay W. Axelrod